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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,188	02/13/2004	Franz Josef Madritsch		2187

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Dr. Franz Madritsch
Schatzbogen 45
Muenchen, D-81829
GERMANY

EXAMINER	
PATEL, RITA RAMESH	
ART UNIT	**PAPER NUMBER**
1746	

DATE MAILED: 08/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/708,188	MADRITSCH, FRANZ JOSEF	
	Examiner	Art Unit	
	Rita R. Patel	1746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 February 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,7-10,13 and 14* is/are rejected.

7)☒ Claim(s) *5,6 and 10-12* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *13 February 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Drawings

The drawings received 2/13/04 are acceptable for examination purposes.

Claim Objections

Claims 5-6 and 10-12 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim 3. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

Moreover, claims 5, 6, 10, and 12 specifically state the following claim language: "an apparatus according to any of the previous claims". This type of claims language fails to provide solely alternative dependency; these claims may require dependency on multiple prior claims, thus making this type of language improper. The Office suggests the following claims language for the purpose of specifying alternative claim dependency on solely one prior claim: "an apparatus according to any one of the previous claims".

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4, 10, and 13 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 7-9, and 13-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Getz et al. herein referred to as "Getz" (US Patent No. 4,528,709).

Getz teaches an automatic washing machine 10 which includes desired water temperature and level parameters for selection by the user and are entered through the appropriate controls 32 on the console 34 which are stored by a main control microcomputer 46. These values are in turn input to the temperature control microcomputer 40. A desired wash mode can also be input into the main control microcomputer 46 by the user (col. 1, lines 55-63). The hot water 20 and cold water 22 supply lines are connected to a mixing valve 24 and are controlled by separate valves 36, 38 respectively. The valves 36, 38 are controlled by a temperature control microcomputer 40. A temperature sensor 42 is located downstream of the mixing valve 24 and is used to sense the temperature of the water passing therethrough and to transmit the temperature value to the temperature control microcomputer 40 (col. 2, lines 30-39). Getz teaches a temperature sensor 42, for checking the temperature of the outflowing liquid. Microcomputer 46 reads on applicant's claim for a mechanism which determines and set the mixing ratio of the different in-flowing liquids according to the user-setting of the desired temperature of the out-flowing liquid. Flow sensor 44

reads on applicant's limitation for an electromechanical actuator element. Valves 6, 38 are capable of limiting pressure of liquid flowing therein. As seen in Figure 1 of Getz, hot and cold water supplies 20, 22 and the inlet mixing valve 24 are located externally of the washing machine housing 12; these devices are affixed upon the back of the machine. As shown in Figure 2, sensor data from the main control 46 and the temperature control 40 may be provided to said external devices.

Getz further teaches a method of controlling the temperature of liquid in a liquid treatment machine including admitting a first liquid, hot water supply line 20, into the container; admitting a second liquid, cold water supply line 22, into the container; determining the volume of the first liquid and the second liquid required to result in filling the container to the pre-selected liquid level at the pre-selected temperature based on said measured temperatures and flow rates; and admitting the determined volumes of the two liquids to the container.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Getz as applied to claims 1 and 2 above, and further in view of Lee (US Patent No. 4,895,043).

Getz teaches controls 32 on a console 34 for operation of the microcomputer 46, however, fails to specify the type of controls used thereon. However, Lee teaches a dial of a temperature controller which is capable of locking into place. Lee discloses that the controller may be in used in a refrigerator, but also generally has applications in the field of controllers. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to use such a type of dial temperature controller, as taught by Lee, in the invention of Getz for achieving controlling means for selecting the desired temperature of the water to be used for washing. Such a dial controller is easy to use, simple for installation, and provides sufficient means for effective temperature selection.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. DeLangis (Pub. No. US 2005/0121529) teaches a self powered electronically controlled mixing valve for allowing the water temperature to be controlled by the user by selecting the desired touch pad location on a main control unit 15. The invention continuously monitors the mixed water temperature and adjusts the mixing valve as necessary to compensate for temperature or pressure fluctuations in the incoming hot and cold water supplies.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rita R. Patel whose telephone number is (571) 272-8701. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RRP

MICHAEL BARR
SUPERVISORY PATENT EXAMINER